

PLANNING AND ZONING COMMISSION
STAFF REPORT

June 3, 2010



Rezoning RZ10-12: Justin Whitworth

CASE DESCRIPTION: a request to change the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3)

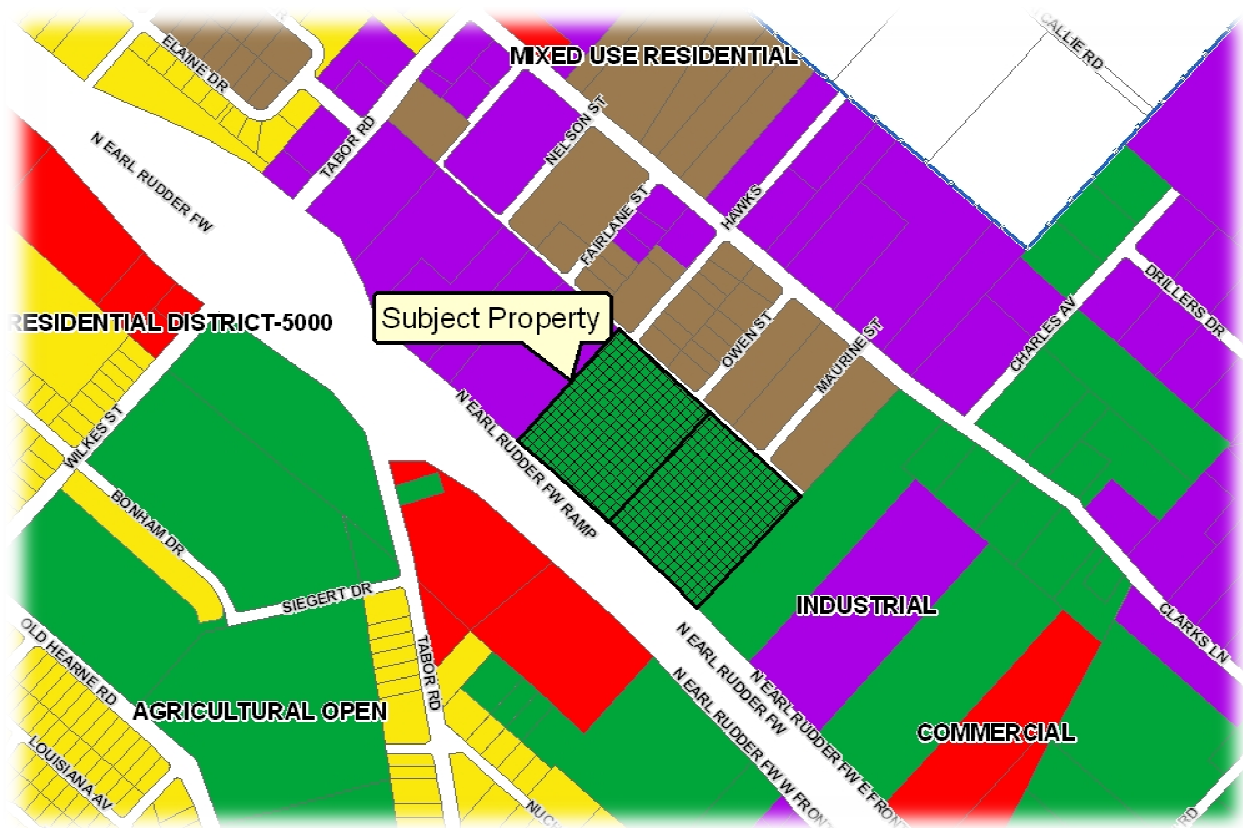
LOCATION: 19.956 acres of land out of Stephen F. Austin League No. 10, A-63 adjoining the the northeast side of northbound frontage road of North Earl Rudder Freeway (State Highway 6) between Colson and Tabor Roads in Bryan, Brazos County, Texas

EXISTING LAND USE: vacant acreage

APPLICANT(S): Justin Whitworth

STAFF CONTACT: Randy Haynes, Project Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** Commercial District (C-3) zoning, as requested.



AERIAL PHOTOGRAPH:



BACKGROUND:

The applicant, Justin Whitworth, is requesting rezoning these 19+ acres of vacant land from Agricultural-Open District (A-O) to Commercial District (C-3). The request is made to facilitate marketing of the currently vacant property to commercial users. Adjacent uses include scattered single-family homes in an MU-1 District to the northeast, an oil storage facility to the southeast and a former retail development to the northwest now used for office and warehouse purposes.

On February 5, 2009, the Planning and Zoning Commission considered and denied a request for Industrial District (I) zoning on this same property. In its denial, the Commission found that many uses permitted with Industrial zoning would not be appropriate at this location.

RELATION TO BRYAN'S COMPREHENSIVE PLAN:

Bryan's Comprehensive Plan is the framework for the establishment of zoning and other regulatory tools. The Planning and Zoning Commission shall use the plan as a decision guide relating to adopted planning policies and goals when making its recommendation regarding this proposed zoning change. The following excerpts from the Comprehensive Plan relate to this case:

GOAL #1: ACHIEVE A BALANCE OF LAND USES WITHIN THE CITY

Objective A: Achieve a sustainable mix of land use types in suitable locations, densities and patterns.

Action Statement 1: Reevaluate the zoning map annually.

Action Statement 2: Identify areas for future commercial development and preserve them with appropriate zoning

ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

The A-O zoning classification is intended to be a temporary zoning classification to reserve land as agricultural until such a time when development pressures necessitate a reexamination of land use regulations or until a comprehensive study of an area can be completed.

Staff contends that, in this particular case, C-3 zoning can help promote appropriate commercial land use along the Highway 6 corridor, which is one of this city's gateways. Staff believes that C-3 zoning at this location will provide the appropriate regulatory controls required for anticipated new uses on this now vacant property.

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

Additional water service is planned in this area as part of a city capital improvement program.. Construction of future public streets in this vicinity will depend on development pressure at the subject site and the surrounding area in accordance with the adopted Thoroughfare Plan. That plan envisions a future collector street connecting North Earl Rudder Freeway to Clarks Lane in the vicinity of the subject property.

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

There are currently a number of acres near to the subject tract that are zoned for commercial use and that remain undeveloped. Staff believes that this zone change request, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

In this vicinity, there has been a moderate amount of development pressure within the past few years. Commercial uses of smaller scale have been predominately the type of development seen within the immediate vicinity of the subject property.

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

If the proposed zoning change were approved, staff believes there to be few, if any, effects on other areas designated for similar developments. Staff believes that the same C-3 zoning classification may also be appropriate for other nearby properties which have been in commercial use, but are presently zoned Industrial or A-O District.

6. Any other factors affecting health, safety, morals, or general welfare.

Staff does not believe this proposed change of zoning would adversely affect health, safety, morals, or general welfare.

RECOMMENDATION:

Staff recommends **approving** Commercial District (C-3) zoning as requested.

EXCERPT FROM APPLICANT'S REZONING APPLICATION:

Please list the reasons for this rezoning request:

This rezoning request is allow the development of this property which is currently vacant and is used only for Agricultural use. This land has good access and visibility and it is anticipated that it will attract businesses that need a significant amount of land for their operations. The proposed zoning classification is less intense than the Industrial zoning of the adjacent tracts on Earl Rudder Freeway to the north and south of these tracts.

List the changed or changing conditions in the area or City which make this zone change necessary:

Bryan and College Station are experiencing growth in residential and commercial developments and there is demand for Office/Warehouse and similar developments to be used by the suppliers and sub-contractors that are here as a result of this growth. Also, with the current gas exploration in Robertson County there is demand for service industries to support this exploration. There are numerous new developments that have occurred in the ETJ similar to what could develop on this land. This development could bring some of that development back into the City.

Indicate whether or not this zone change is in accordance with the Future Land Use Plan. If it is not, explain why the Plan is incorrect:

This zone change is in accordance with the Future Land Use Plan which projects Commercial use along Earl Rudder Freeway.

List any other reasons to support this change:

The land to the north and south of these tracts is already zoned Industrial and there is an existing Industrial Use on the tract to the south, therefore, only commercial uses which don't mind being next to these Industrial tracts will go on this tract. Development of this land will increase the property tax base and could also generate additional sales taxes.